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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

AUGUST IMAGE, LLC, a New York
Limited Liability Company,

Plaintiff,

v.

TEREZOWENS.COM, LLC, a California
Limited Liability Company; JOEY
GRANATH, an individual; and DOES 1-
10,

Defendants.

Case No.

COMPLAINT FOR:

1. COPYRIGHT INFRINGEMENT
2. VICARIOUS AND/OR
CONTRIBUTORY COPYRIGHT
INFRINGEMENT

Jury Trial Demanded

Plaintiff August Image, LLC hereby prays to this Court for relief based on
the following:

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976, 17 U.S.C. § 101,
et seq.
2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331,
1338(a)-(b).

1 this Complaint to show their true names and capacities when the same have been
2 ascertained.

3 8. Upon information and belief, each of the Defendants was the agent,
4 affiliate, officer, director, manager, principal, alter-ego, and/or employee of the
5 other Defendants, and was at all times acting within the scope of such agency,
6 affiliation, alter-ego relationship, and/or employment; and actively participated in,
7 subsequently ratified, and/or adopted each of the acts or conduct alleged, with full
8 knowledge of each violation of August's rights and the damages to August's
9 proximately caused thereby.

10 **TWC'S UNAUTHORIZED USES OF THE SUBJECT PHOTOGRAPHS**


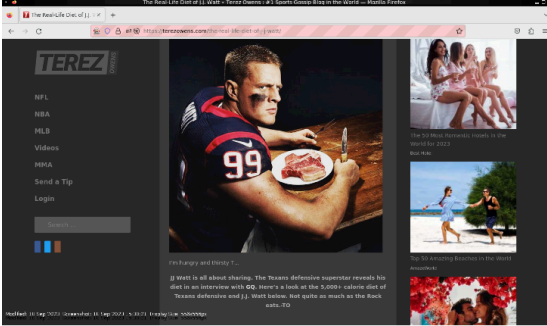

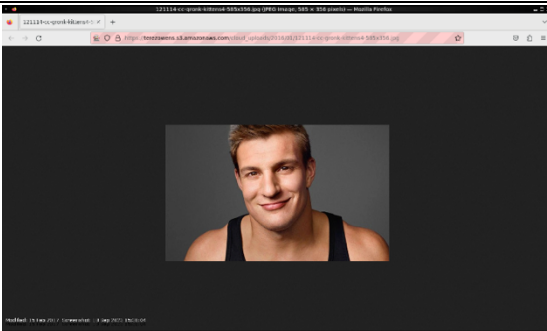
11 9. August is the exclusive administrator and syndicator of seven original
12 photographs (and the copyrights therein) registered with the U.S. Copyright Office
13 (collectively, the "Subject Photographs"). At all relevant time, August has been the
14 exclusive licensing agent for the Subject Photographs and the photographers who
15 took them. Accordingly, August has standing to maintain this action under 17
16 U.S.C. § 501(b).


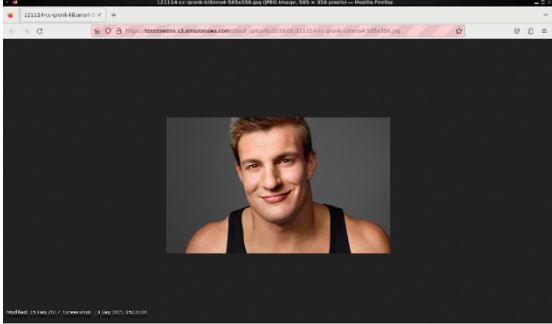

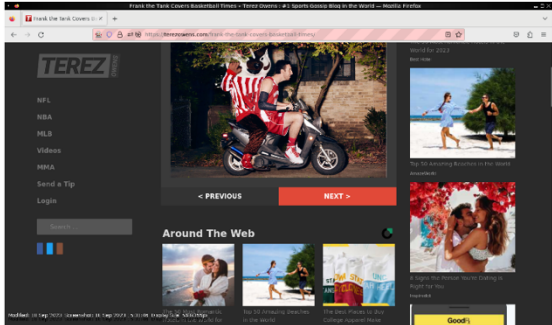
17 10. Following the publication and display of the Subject Photographs,
18 Defendants, and each of them, copied, stored, displayed, reproduced, distributed,
19 and otherwise exploited the Subject Photographs on Defendants' Website without
20 a license, authorization, or consent from August (collectively, the "Accused
21 Posts").


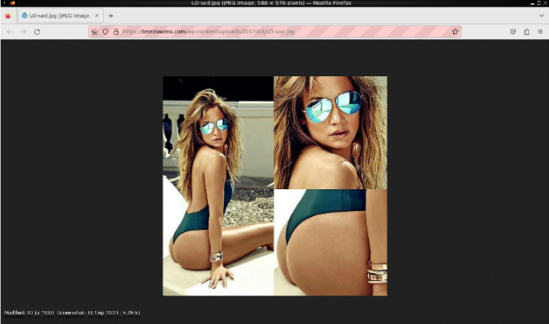

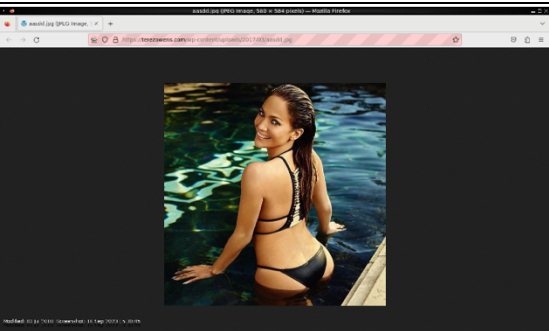
22 ///

23 ///

24 ///

#	Subject Photographs	Accused Posts
1	 <p data-bbox="462 621 649 661">AU1513034</p>	
2	 <p data-bbox="462 1438 649 1478">AU1525037</p>	

#	Subject Photographs	Accused Posts
3	 <p data-bbox="462 917 651 955">AU1525040</p>	
4	 <p data-bbox="462 1373 651 1411">AU1606645</p>	

#	Subject Photographs	Accused Posts
5	 <p data-bbox="462 930 656 968">AU1654588</p>	
6	 <p data-bbox="462 1749 656 1787">AU1757219</p>	

#	Subject Photographs	Accused Posts
7	 <p data-bbox="451 945 659 976">AU11062609</p>	

11. To the extent Defendants exploited the Accused Posts (and/or any/all other copies of the Subject Photographs) on Defendants' Website more than three years before the filing of this case, August did not know, and had no reason to know, of such exploitation(s).

FIRST CLAIM FOR RELIEF

(For Copyright Infringement – Against All Defendants)

12. August incorporates by reference the allegations contained in the preceding paragraphs.

13. Upon information and belief, Defendants, and each of them, accessed the Subject Photographs by, among other things, viewing the Subject Photographs at August's and/or the relevant photographers' website(s), profiles, exhibitions, and/or social media pages; through third-party publications, websites, or Internet search engines; and/or because the Accused Posts are verbatim copies of, and thus strikingly similar to, the Subject Photographs.

1 14. Upon information and belief, Defendants, and each of them, stored,
2 displayed, reproduced, distributed, and otherwise exploited verbatim copies of the
3 Subject Photographs for commercial purposes on Defendants' Website without a
4 license, authorization, or consent from August.

5 15. Due to Defendants' acts of copyright infringement, August has
6 suffered damages in an amount to be established at trial.

7 16. Due to Defendants' acts of copyright infringement, Defendants, and
8 each of them, have obtained profits they would not have realized but for their
9 infringement of the copyrights in the Subject Photographs. As such, August is
10 entitled to disgorgement of Defendants' profits attributable to Defendants'
11 infringement of the copyrights in the Subject Photographs in an amount to be
12 established at trial.

13 17. Upon information and belief, Defendants, and each of them, infringed
14 the copyrights in the Subject Photographs willfully, with reckless disregard, or
15 with willful blindness.

16 **SECOND CLAIM FOR RELIEF**

17 **(For Vicarious and/or Contributory Copyright Infringement – Against**
18 **Granath)**

19 18. Plaintiff incorporates by reference the allegations contained in the
20 preceding paragraphs of this complaint.

21 19. Upon information and belief, Plaintiff alleges that Granath had actual
22 knowledge of, and materially contributed to, the Accused Posts; and had the right
23 and ability to supervise, and a direct financial interest in (and realization of profits
24 through), Defendants' conduct alleged herein—specifically, Defendants' copying,
25 storage, display, reproduction, distribution, and other exploitation of the Accused
26 Posts on Defendants' Website.

20. As a result of Granath's acts of contributory and/or vicarious copyright infringement, Plaintiff has suffered damages in an amount to be established at trial.

21. Due to Granath's acts of contributory and/or vicarious copyright infringement, Granath's obtained profits he would not have realized but for his contributory and/or vicarious infringement of the copyrights in the Subject Photographs. As such, Plaintiff is entitled to disgorgement of Granath's profits attributable to his contributory and/or vicarious infringement of the copyrights in the Subject Photographs, in an amount to be established at trial.

22. Upon information and belief, Plaintiff alleges that Granath committed contributory and/or vicarious copyright infringement with actual or constructive knowledge of Plaintiff's rights, or with reckless disregard or willful blindness for the same, such that said acts of contributory and/or vicarious copyright infringement were willful.

PRAYER FOR RELIEF

Wherefore, August prays for judgment as follows:

- a. That Defendants, each of them, their respective agents, and anyone working in concert with Defendants' and/or their agents, be enjoined from copying, storing, displaying, reproducing, distributing, and/or otherwise exploiting the Subject Photographs without a license, authorization, or consent from Plaintiff in a manner that infringes the copyrights in the Subject Photographs;
- b. That Plaintiff be awarded all Defendants' profits, and all Plaintiff's losses, attributable to Defendants' infringement, the exact sum to be proven at the time of trial; or alternatively, if elected, statutory damages as available under 17 U.S.C. § 504;
- c. That Plaintiff be awarded its costs and fees as available under 17 U.S.C. § 505;

- 1 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
2 e. That Plaintiff be awarded such further legal and equitable relief as the
3 Court deems proper.

4 **JURY DEMAND**

5 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ.
6 P. 38 and the 7th Amendment to the United States Constitution.

7
8 Respectfully submitted,

9 Dated: October 4, 2023

By: /s/ Stephen M. Doniger
Stephen M. Doniger, Esq.
Benjamin F. Tookey, Esq.
DONIGER/BURROUGHS
Attorneys for Plaintiff